

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

---

Hak Seng,

Civil 05-1638 (RHK/FLN)

Petitioner,

**ORDER**

v.

United States of America,

Respondent.

---

Based upon the Findings of Fact, Conclusions of Law, and Recommendation by United States Magistrate Judge Franklin L. Noel dated September 1, 2005, all the files and records, and no objections having been filed to said Report and Recommendation,

**IT IS HEREBY ORDERED** that:

1. The Report and Recommendation (Doc. No. 4) is **ADOPTED**;
2. Petitioner's application for leave to proceed *in forma pauperis* (Doc. No. 2) is **DENIED**; and
2. Petitioner's application for habeas corpus relief under 28 U.S.C. § 2241 (Doc. No. 1) is **DISMISSED** for lack of jurisdiction.

Dated: September 26, 2005

s/Richard H. Kyle  
RICHARD H. KYLE  
United States District Judge